

RECEIVED  
CENTRAL FAX CENTER

No. 5949 P. 14

JAN 19 2007

Application No. 10/628,738  
Amendment dated January 19, 2007  
Reply to Office Action of November 21, 2006**REMARKS**

This amendment is responsive to the Office Action mailed November 21, 2006 in connection with the above-identified patent application. In that action, claims 1-9 and 15-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,016,500 to Waldo, et al. (hereinafter "Waldo") in view of U.S. Patent No. 6,675,379 to Kolodner, et al. (hereinafter "Kolodner"). The Action was made final.

**THE ART REJECTIONS**

As noted above, each of independent claims 1, 15, and 24 (and their respective dependent claims) stand rejected as being obvious in view of Waldo and Kolodner.

**Claims 1 and 24 and Their Respective Dependent Claims are in Condition for Allowance:**

The Examiner has previously stated that Waldo discloses all of the limitations of independent claim 1 and 24 except the step of identifying one or more external resource references and releasing external resource references-which, according to the Examiner, are disclosed by Kolodner.

Applicants respectfully disagree. Waldo describes a system for using leases that are exchanged between servers and their respective clients to manage system resources. Regarding object references, the system described in Waldo relies on granted lease periods to determine if particular resources are in use (column 8, lines 27-35, Waldo). For example, as described in Waldo, garbage collection requires the analysis of leases to determine the status of references (column 8, lines 20-35).

The Examiner cites column 5, line 22 of Kolodner for providing a teaching of "identifying one or more external resource references of said object, releasing said one or more external resource references by a set of rules for said object". Further, the Examiner cites column 4, lines 63-64 of Kolodner as a teaching of "releasing said one or more external resource references by a set of rules for said object". Applicants respectfully disagree.

More particularly, it is respectfully submitted that Kolodner is limited to internal

**BEST AVAILABLE COPY**

Application No. 10/628,738  
Amendment dated January 19, 2007  
Reply to Office Action of November 21, 2006

resource references and does not teach identifying/releasing external resource references. As shown in Figure 2 of Kolodner, the references 44 forming elements of the array 42 are clearly resources internal to the program. More particularly, these resources are parameters instantiated during program execution and referenced by pointers 44 forming elements of the array 42.

Thus, applicants respectfully submit that neither Waldo nor Kolodner, together or alone, teach, suggest, or fairly disclose identifying one or more external resource references of an object and releasing the one or more external resource references by a set of rules for the object.

Moreover, applicants respectfully submit that neither Waldo nor Kolodner nor their combination teaches, suggests, or fairly discloses a novel resource deallocation module method, apparatus, or system as set out in this application and recited in independent claims 1 and 24. As shown in Figure 1 of the present application, the resource deallocation module 50 provides added functionality beyond that of the ordinary garbage collector 40. The art of record in the pending application is limited to traditional prior art garbage collectors 40.

In accordance with the above, therefore, applicants have tendered amendments to each of independent claims 1 and 24 to clarify in those claims that the method in independent claim 1 and the article of manufacture of independent claim 24 are executed and include program code adapted for execution in a resource deallocation module in accordance with the present application.

In accordance with the above, therefore, applicants respectfully submit that each of independent claims 1 and 24 and their respective dependent claims are patentably distinct and unobvious over the references of records.

Claim 15 and Its Dependent Claims are in Condition for Allowance:

Applicants respectfully repeat the arguments presented above with regard to the limitations of the teachings of Waldo and Kolodner both alone and in their combination.

Applicants have tendered an amendment to independent claim 15 to clarify the

Application No. 10/628,738  
Amendment dated January 19, 2007  
Reply to Office Action of November 21, 2006

claim that a pair of modules are included in the recited system including a resource deallocation module linked to the software program to deallocate allocated external resources of each object of a user session responsive to an impending termination of the user session, and an automatic memory management garbage collector module invoked subsequent to the deallocation performed by the resource deallocation module.

In accordance with the above, therefore, applicants respectfully submit that independent claim 15 as amended above for clarification purposes, together with claims 16-23 dependent therefrom are patentably distinct and unobvious over the art of record.

The Newly Presented Claims:

Applicants have included new claims 33-42. Each of these claims includes limitations of deallocating and/or releasing external resources of objects of a user session which teaching is not found or suggested in either Waldo or Kolodner or their combination.

In accordance with the above, therefore, applicants respectfully submit that each of the newly presented claims is patentably distinct and unobvious over the references of record.

**RECEIVED**  
**CENTRAL FAX CENTER****JAN 19 2007**Application No. 10/628,738  
Amendment dated January 19, 2007  
Reply to Office Action of November 21, 2006**CONCLUSION**

In view of the above amendments, comments, and arguments presented, applicants respectfully submit that all pending claims are patentably distinct and unobvious over the art of record.

Allowance of all pending claims and early notice to that effect is respectfully requested.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP19 JAN 07  
DateMichael E. Hudzinski  
Michael E. Hudzinski, Reg. No. 34,185  
1100 Superior Avenue, Seventh Floor  
Cleveland, OH 44114-2579  
216-861-5582**CERTIFICATE OF MAILING OR TRANSMISSION**

Under 37 C.F.R. § 1.8, I certify that this Amendment C is being

- ☐ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☒ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10, addressed to: MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Express Mail Label No.:	Signature <u>Barbara Brazier</u>
Date January 19, 2007	Printed Name Barbara Brazier

N:\B\MZ\200032\bjb0005528V001.doc